

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHAWN SOUTHERLAND : CIVIL ACTION
: :
: :
v. : :
: :
: :
COMMONWEALTH OF PENNSYLVANIA, :
MONTGOMERY COUNTY, *et al.* : NO. 08-5333

O R D E R

AND NOW, this 15th day of April 2009, upon
consideration of the pending motions and the responses thereto,
and for the reasons stated in the memorandum entered this date,

IT IS hereby ORDERED that:

1. The Motion to Dismiss of Defendants Whitemarsh
Township, Detective Craig Cubbin, and Sergeant Cotter (Document
No. 15), which has been treated as a motion for summary judgment,
is GRANTED IN PART AND DENIED IN PART. The Motion is DENIED as
to Defendants Cubbin and Cotter with regard to Plaintiff's Fourth
Amendment claim. The Motion is GRANTED as to Defendant
Whitemarsh Township and as to all claims other than the Fourth
Amendment claim.

2. Plaintiff's Motion for Summary Judgment (Document
No. 19) is GRANTED IN PART AND DENIED IN PART. The Motion is
GRANTED as to Defendants Cubbin and Cotter with regard to
Plaintiff's Fourth Amendment claim, as to liability only. In all
other respects, the Motion is DENIED.

3. The Motion to Dismiss (Document No. 23) and Cross-Motion for Summary Judgment (Document No. 27) of Defendant Montgomery County are GRANTED.

BY THE COURT:

/s/ John P. Fullam
Fullam, Sr. J.